

4. This Court has jurisdiction over the subject matter as provided in 28 U.S.C. § 1331 and 1338(a).

5. This Court has personal jurisdiction over the Defendant because, upon information and belief, Defendant transacts business in this state and has committed acts of patent infringement in this state and within this district within the meaning of the Missouri Long-Arm Statute, MO. ANN. STAT. § 506.500. Venue is therefore proper in this District under 28 U.S.C. §§ 1400(b) and 1391(b) and (c).

Factual Allegations

6. United States Patent No. 7,643,647 (the “‘647 patent”) was duly and legally issued to Lowell on January 5, 2010, and remains in force as of the filing date of this action. Lowell is the owner of the ‘647 patent by assignment. A true and correct copy of the ‘647 patent is attached hereto as Exhibit A.

7. The ‘647 patent discloses and claims a lay-in tile speaker system.

8. Upon information and belief, Defendant has, without authorization from Lowell, manufactured, imported, offered for sale and/or sold, and is continuing to manufacture, import, offer for sale and/or sell, speaker systems, including without limitation product model number DT12, that infringe the ‘647 patent.

9. Upon information and belief, Defendant has purposefully directed the sales of its infringing speaker systems into the Eastern District of Missouri through an established distribution channel.

10. Defendant has had actual notice of the ‘647 patent since at least April 14, 2010. Defendant has continued to manufacture, import, offer for sale and/or sell, its infringing speaker systems with full knowledge of the ‘647 patent.

11. Upon information and belief, Defendant has knowledge that its infringing speaker systems have been, and are continuing to be, offered for sale and sold in the Eastern District of Missouri and that these infringing items have been, and are continuing to be, purposefully shipped through an established distribution channel into the Eastern District of Missouri for sale.

Count I
Infringement of U.S. Patent No. 7,643,647

12. Lowell incorporates by reference, as if fully set forth, each of the allegations set forth in paragraphs 1 through 11, inclusive.

13. United States Patent No. 7,643,647 was duly and legally issued on January 5, 2010.

14. Defendant has, without authorization from Lowell, manufactured, offered for sale and/or sold, and is continuing to manufacture, offer for sale and/or sell, speaker systems which infringe the '647 patent. Further, Defendant has knowingly and actively induced others to directly infringe the '647 patent.

15. Upon information and belief, the aforementioned acts of infringement of the '647 patent have been and continue to be willfully and deliberately committed by Defendant in bad faith and with full knowledge of Lowell's patent rights.

16. As a direct result of Defendant's infringement of the '647 patent, Lowell has suffered irreparable injury and damage and will continue to suffer irreparable injury and damage for which there is no adequate remedy at law, unless the Court enjoins Defendant from continuing its infringing activities.

17. Any harm to Defendant that might be caused by entry of the injunctive relief requested in this Complaint is outweighed by the harm that Lowell would suffer if the requested relief were not granted.

Prayer For Relief

WHEREFORE, Plaintiff Lowell Manufacturing Company respectfully requests the Court:

1. To enter judgment finding Defendant to have infringed Lowell's '647 patent;
2. To enter judgment finding Defendant to have induced others to infringe Lowell's '647 patent;
3. To enter judgment finding Defendant to have willfully and deliberately infringed and induced others to infringe Lowell's '647 patent;
4. To enter judgment assessing damages against Defendant in an amount sufficient to compensate Lowell for the harm caused to it by Defendant's infringement, pursuant to 35 U.S.C. § 284, together with interest and costs;
5. To permanently enjoin Defendant, pursuant to 35 U.S.C. § 283, against any further infringement of the '647 patent;
6. To enter judgment awarding Lowell treble damages pursuant to 35 U.S.C. §284 for the willful and deliberate nature of the Defendant's infringement of the '647 patent;
7. To enter judgment that this case is an exceptional case and to award Lowell its attorneys' fees pursuant to 35 U.S.C. § 285; and
8. To grant Lowell such other relief as this Court may deem just and proper.

Demand For Jury Trial

Lowell demands trial by jury on all issues so triable in this matter.

Respectfully submitted,

HUSCH BLACKWELL SANDERS LLP

By: /s/Michael H. Wetmore
Michael H. Wetmore, E.D.Mo. # 4690
Michael.Wetmore@huschblackwell.com
Dutro E. Campbell, II, E.D.Mo. # 83825
Bruce.Campbell@huschblackwell.com
190 Carondelet Plaza
Suite 600
Telephone: (314) 480-1500
Facsimile: (314) 480-1505
Court Dedicated Fax: (314) 480-1530

*Attorneys for Plaintiff Lowell
Manufacturing Company*